

Existing law (R.S. 44:1 et seq. relative to public records) provides that any person of the age of majority may inspect, copy or reproduce, or obtain a reproduction of any public record. Provides procedures for request and presentation of the record requested. Provides for enforcement and penalties for violations. Provides exceptions.

Existing law provides that nothing in the provisions of law relating to public records shall be construed to require disclosures of certain specified kinds of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, or intelligence agencies of the state. Includes in such exception such records which pertain to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled.

New law provides an exception to existing law and provides that notwithstanding any other law to the contrary, after a period of 10 years has lapsed from the date of death of a person by other than natural causes and upon approval of the district court having jurisdiction over any criminal prosecution which may result from such death, any prosecutive, investigative, and other law enforcement agency, or any other governmental agency in possession of investigative files or evidence or potential evidence, or any other record, document, or item relating to the death shall, upon request, provide copies of all such files, records, and documents to immediate family members of the victim and shall provide unlimited access for any and all purposes to all such evidence, potential evidence, and other items to any member of the immediate family and to any person or persons whom any member of the immediate family has designated for such purposes. Provides that the access granted shall include but not be limited to the examination, inspection, photographing, copying, testing, making impressions, and the use in any court proceeding of and conducting forensic studies on such evidence, potential evidence, and other items. Defines "immediate family" as the surviving spouse, children, grandchildren, and siblings of the victim.

Further provides that new law is remedial and procedural in nature and is applicable to records, investigative reports, files, evidence, potential evidence, or any other record, document, or item compiled, prepared, or obtained prior to the effective date of new law.

Effective upon signature of governor (June 18, 1999).

(Amends R.S. 44:3(A)(1); Adds R.S. 44:3(F))